



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**

**75 Hawthorne Street  
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June 12, 2006

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Dear Sirs:

Please let me thank you for your time and commitment to meeting with me during the week of April 10-13, 2006. The conversations that we had then, and since have helped me to better understand the various issues and concerns raised by the Gila River Indian Community, Department of Environmental Quality's (GRIC DEQ) discovery of extensive ground water (GW) contamination under the Lone Butte Industrial Park. While my primary focus with this letter is to address the potential connection between ROMIC SW and the existing GW contamination I am also concerned with the broader scope and implications posed by that discovery.

I am now moving forward with drafting the corrective action permit module. I anticipate this module will be available in draft for your review in August, 2006. And, as I stated in our final meeting of April 13<sup>th</sup>, I am submitting to you my initial understanding of the issues, concerns, agreements and necessary actions that will guide me as I develop the corrective action module.

I have tried to fairly capture and appropriately respond to the issues and concerns that I have heard from both GRIC DEQ and ROMIC SW. But, please feel free to comment upon this letter and to inform me if I have missed anything.

**Areas of Agreement:**

1. GRIC DEQ sampling in the vicinity of the ROMIC SW facility has revealed the presence of TCE & PCE in GW at less than 100' below the ground surface (BGS) at concentrations exceeding the U.S. EPA Maximum Contaminant Levels (MCL). The source of that contamination is still under investigation.
2. ROMIC SW and its predecessor handled both TCE and PCE at the existing site. Remediation of contaminated soils has previously occurred at the site.
3. Previous facility investigations and remediation did not address GW.
4. The RCRA Facility Assessment (RFA) dated November 23, 2004 recommended a limited GW investigation to determine if GW contamination had occurred.
5. The current Risk Assessment, not yet completed, will address potential GW contamination.
6. By agreement between GRIC DEQ and U.S. EPA any GW investigation, characterization, and/or remediation efforts at the site will be addressed by U.S. EPA in the permit.
7. The GW at GRIC is an essential sole source resource, to be safeguarded for future use.

**Assumptions:**

1. Previous surface and shallow sub-surface clean-ups along with capping of the site should prevent or minimize direct releases to the sub-surface environment.
2. Undiscovered residual contamination of the site might exist.

3. Currently people are not being exposed to any sub-surface or GW contamination.
4. Any residual contamination at the site that does not impact GW or pose a continuing threat to human health or the environment should be addressed in the final clean-up and closure of the site.

**Necessary Actions:**

1. ROMIC SW must conduct a GW investigation under U.S. EPA oversight to determine if past or present practices have or will impact GW.
2. U.S. EPA will closely coordinate its oversight and supervision of the investigation, characterization, and any potential remediation with the GRIC DEQ. U.S. EPA will use the GRIC DEQ guidance document, 'Site Characterization and Remedial Action For Releases Which Impact or Threaten Groundwater Quality Guidance Document' (Version 1.3, dated May 5, 2004) to guide its oversight as appropriate.
3. The investigation and any potential remediation must address all Chemicals of Concern (COC). The appropriate responses to the presence of COCs will risk based and guided by the following standards: U.S. EPA MCLs or U.S. EPA PRGs if no MCL is available, and then GRIC DEQ action levels as identified in the GRIC guidance document.
4. ROMIC SW must develop and use a complete Conceptual Site Model (CSM) to guide its investigation and potential remediation efforts. This conceptual model should use all available information, including that provided by the GRIC DEQ. The CSM should be updated to reflect the developing lines of evidence and to validate any final decisions.
5. The investigation will include sub-surface soil, soil gas and GW sampling.
6. If actual contamination of GW by ROMIC SW is discovered, and/or sub-surface soil or soil gas contamination that poses a direct threat to human health or has the potential to migrate to GW is discovered then ROMIC SW will conduct a Corrective Measures Study (CWS) to identify and develop appropriate remedial response options.
7. Upon determination of the appropriate response by U.S. EPA, ROMIC SW will develop and submit an appropriate action plan and a draft Remedy Selection Statement of Basis.
8. U.S. EPA will finalize the Remedy Selection Statement of Basis and facilitate appropriate public participation and respond to comments.

9. Upon final remedy selection by U.S. EPA, ROMIC SW will implement the plan and will continue to do so until all identified action objectives have been met.
10. ROMIC SW will provide appropriate financial assurance that all action objectives can be met.

### **Stakeholder Issues and Concerns:**

#### **US EPA:**

1. That the focus of effort be upon ROMIC SW's actual or potential generation and/or contribution to actual GW contamination.
2. That a collaborative unity of effort between U. S. EPA, GRIC DEQ and ROMIC SW guide the investigation and potential remediation efforts.
3. That the timing of the effort be planned and executed to maximize efficiencies of scale, scope, cost and effort. I would prefer a well planned short term approach rather than a lingering incremental effort, even if it requires a delay in starting the project. Thus the CSM should extend right through to final clean-up.
4. That whatever final approach is fixed upon be flexible enough to facilitate future optimization.
5. That the effort be risk based, and guided by actual site conditions, land use patterns and potential receptors.
6. That the investigation and potential remediation efforts compliment GRIC's broader area wide GW contamination issues.

#### **GRIC DEQ:**

1. That GRIC DEQ participate as a co-regulator.
2. That all GW be treated as a potential source of drinking water and that the goal should be to assure such protection of the resource to established MCLs.
3. That U.S. EPA and ROMIC SW are committed to identifying and adequately addressing contamination of GW.
4. That the project focus upon ROMIC SW not distract from the broader area wide GW contamination issue.

5. That U.S. EPA keep the Tribal Council informed on the development of the permit.

**ROMIC SW:**

1. That ROMIC SW is recognized for its current and past efforts to protect human health and the environment. This is especially important because of ROMIC's long commitment to cleaning up the site after contamination by the previous owner.
2. That ROMIC SW be treated fairly and not be subjected to unrealistic standards of proof or cleanliness.
3. That the effort be focused to achieve specific goals and results and not allowed to become an unending liability.
4. That the regulators understand the financial and budget planning impacts of the effort upon ROMIC SW.
5. That the potential for remediation not hinder the permit process. ROMIC SW does not currently intend to start actual field work until the permit is finalized.
6. That the scope of the project will extend beyond ROMIC SW's potential responsibility and liability. That ROMIC SW will be forced to find a GW source even after they have demonstrated that they are not responsible. In this context ROMIC SW is looking to the tribe to assist by determining if an off-site source exists, if ROMIC SW's investigation so indicates.
7. Costs are a real anticipated, current, and future concern.

Please contact me by phone at (415) 972-3346 or e-mail at [moody.john@epa.gov](mailto:moody.john@epa.gov) by if you have any comments, questions or concerns regarding this letter or this approach.

Sincerely,



John R. Moody  
U. S. EPA

cc. C. Nelson (EPA)  
M. Kaplan (EPA)  
B. Fitzgerald (EPA)

SCANNED

FEB 01 2017

